trade should be strictly construed should not override a reasonable construction of the intention of the parties.

CONSTITUTIONAL LAW—DELEGATION OF POWERS—REFERENDUM.—A statute concerning juries was passed by the legislature and was to become effective only after receiving a majority vote at a general referendum to the people of the state. *Held,* statute valid and not unconstitutional as a delegation of legislative powers. *Hudspeth* v. *Swayze* (N. J.), 89 Atl. 780. See NOTES, p. 632.

CORPORATIONS—CHARITABLE CORPORATIONS—LIABILITY FOR TORTS.—Where the plaintiff, a stranger, had accompanied a sick friend to a hospital, a charitable institution, and was injured by falling into an elevator shaft negligently left unprotected by the defendant, it was *held,* she can recover. *Hospital of St. Vincent* v. *Thompson* (Va.), 18 S. E. 13. See NOTES, p. 636.

CORPORATIONS—MANUFACTURING CORPORATIONS.—By a constitutional provision stockholders of manufacturing corporations were exempted from the liability there imposed on corporations generally. *Held,* a corporation for the generation of electricity for distribution to the public is a manufacturing corporation within the meaning of the provision. *Vencedor Inv. Co.* v. *Highland Canal & Power Co.* (Minn.), 145 N. W. 611.

The question whether a corporation for the generation of electricity is a manufacturing corporation under the various statutes and constitutional provisions is one on which the authorities are not in accord. Most of the older authorities and a number of the more recent cases hold that such a corporation is not a manufacturing corporation. *Frederick, Electric Light, etc., Co.* v. *Frederick,* 84 Md. 599, 36 Atl. 362; *Williams* v. *Park,* 72 N. H. 305, 56 Atl. 463.

In these cases the courts adhere to the earlier and more restricted definition of the word "manufacturer," holding, that to be a manufacturer one must produce a fabric or structure made from materials of some kind. In an early case it was said that on reason and principle a corporation for generating electricity should be held a manufacturing corporation but as the statute was meant to apply to those corporations which had, in the past, been considered as manufacturing corporations, the court held that the electric light company could not take advantage of the exemption allowed to manufacturing corporations. *Commonwealth* v. *Northern Electric Light Co.,* 145 Pa. St. 105, 22 Atl. 839. But recently in the same state it has been settled that corporations for generating electricity are manufacturing corporations within the terms of such statutes. *Commonwealth* v. *Keystone Electric, etc., Co.,* 193 Pa. St. 245, 44 Atl. 326. Modern authority favors such a construction of the laws regulating manufacturing corporations as to include within their terms, corporations for the production of electric currents. *People* v. *Wemple,* 129 N. Y. 543, 29 N. E. 808; *Beggs* v. *Edison Electric Co.,* 96 Ala. 295, 11 So. 381.

Formerly the word manufacture involved an idea of tangibility, but later it has taken a more comprehensive scope. *Bates Mach. Co.* v. *Trenton, etc., Co.*, 70 N. J. L. 684, 58 Atl. 935. Where by the industry of man a product is brought into being, whether it be tangible or intangible, it would seem that it may be properly termed manufactured.

ELECTRICITY—PRIVATE EQUIPMENT—LIABILITY OF POWER COMPANY.—The defendant, an electric power company, furnished electricity to a third party to be used to run machines owned and controlled by the third party. The defendant had no right to inspect the machines and no notice of any defects therein. The plaintiff's intestate was killed by an electric shock received while operating one of the machines. *Held*, the defendant is not liable. *Hoffman* v. *Leavenworth, etc., Co.* (Kan.), 138 Pac. 632.

The weight of authority supports the principal case. *Minneapolis General Electric Co.* v. *Cronon*, 166 Fed. 651, 92 C. C. A. 345, 20 L. R. A. (N. S.) 816; *Kiefe* v. *Narragansett E. L. Co.*, 21 R. I. 575, 43 Atl. 542; *Perry* v. *Ohio Valley E. Ry. Co.* (W. Va.), 74 S. E. 993. The adverse decisions hold that by the act of furnishing for use so dangerous a force as an electric current a party is bound to know that the apparatus over which it is to be conveyed is in such condition that the furnishing of such current will not endanger life or limb. *Maysville Gas Co.* v. *Thomas Adm'r*, 108 Ky. 224, 56 S. W. 153, 53 L. R. A. 147; *Hoboken Land & Improvement Co.* v. *United E. Co. of N. J.*, 71 N. J. L. 430, 58 Atl. 1082. This view practically makes the power companies insurers and suggests the English case of *Rylands* v. *Fletcher* which has been greatly qualified in England and generally repudiated in America. *Rylands* v. *Fletcher*, L. R. 3 H. L. 330; 1 VA. LAW REV. 146.

If the decision in the principal case is accepted, the doctrine of *res ipsa loquitur* can have no application unless the accident was due to a dangerous current negligently sent into the wires by the defendant company. *Denver Consol. Electric Co.* v. *Lawrence*, 31 Colo. 301, 73 Pac. 39; *Harter* v. *Colfax E. L. & P. Co.*, 124 Iowa 500, 100 N. W. 508; *Peters* v. *Lynchburg Traction Co.*, 108 Va. 333, 61 S. E. 745.

The courts are similarly divided as to whether it is the duty of a power company to inspect the apparatus installed in a building by other parties before turning on the current for the first time. On principal and authority the company is under no such duty. *Nat'l Fire Ins. Co.* v. *Denver Consol. E. Co.*, 16 Colo. 86, 63 Pac. 949; 13 L. R. A. (N. S.) 226 (note) *Contra. Hoboken Land & I. Co.* v. *United E. Co., supra.*

EVIDENCE—DYING DECLARATIONS—ADMISSIBILITY IN CIVIL SUITS.—The plaintiff's testator made a statement, under a sense of impending death, in reference to a transaction between himself and the defendant. *Held*, the statement is admissible as a dying declaration. *Thurston* v. *Fritz*, (Kan.), 138 Pac. 625.

This decision, admittedly in opposition to the unanimous weight of authority, is justified by the court on the ground of expediency. See 2 WIGMORE, EVIDENCE, § 1436. The admission of dying declarations, as